

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Patricia Hunter

Plaintiff,

-v-

Index No. 16-CV08779

ANSWER

Palisades Acquisition XVI, LLC;
Palisades Collections, LLC;
Sharinn & Lipshie, P.C.;
Harvey Sharinn

Defendants.

Defendants, SHARINN & LIPSHIE, P.C. (hereinafter “S&L”) and Harvey Sharinn (hereinafter “HS”) by their attorney, Amanda Moreno, Answer the Complaint as follows:

1. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
2. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
3. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
4. In response to the allegations contained in paragraph 4 of Plaintiff’s Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.
5. In response to the allegations contained in paragraph 5 of Plaintiff’s Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.
6. In response to the allegations contained in paragraph 6 of Plaintiff’s Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.

7. In response to the allegations contained in paragraph 7 of Plaintiff's Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.
8. In response to the allegations contained in paragraph 8 of Plaintiff's Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.
9. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
10. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
11. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
12. Admit.
13. Admit.
14. In response to the allegations contained in paragraph 14 of Plaintiff's Complaint, said allegations constitute legal conclusions of the pleader to which no response is necessary.
15. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
16. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
17. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
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60. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
61. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

62. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
63. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
64. Deny.
65. Admit.
66. Admit.
67. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
68. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
69. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
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74. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
75. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
76. Deny.

77. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

78. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

79. Deny.

80. Deny.

81. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

82. Admit.

83. No response necessary.

84. Admit.

85. Admit.

86. Admit.

87. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

88. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

89. Plaintiff opinion that requires no response.

90. Plaintiff opinion that requires no response.

91. Plaintiff opinion that requires no response.

92. Plaintiff opinion that requires no response.

93. Deny.

94. Plaintiff opinion that requires no response.

95. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

96. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

97. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

98. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

99. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

100. Deny.

101. Plaintiff opinion that requires no response.

102. Deny.

103. Deny.

104. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

105. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

106. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

107. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
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112. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
113. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
114. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
115. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
116. Deny.
117. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
118. Deny.
119. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
120. Admit to the conversation but deny that Mike Ponzio is an attorney.
121. Admit.

122. No response necessary.
123. Admit.
124. No response necessary.
125. Admit.
126. No response necessary.
127. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
128. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
129. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
130. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
131. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
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135. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
136. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

137. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
138. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
139. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
140. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
141. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
142. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
143. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
144. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
145. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
146. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
147. Defendant repeats and realleges each and every answer contained in the previous paragraphs.
148. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
149. Constitutes legal conclusions of the pleader to which no response is necessary.
150. Constitutes legal conclusions of the pleader to which no response is necessary.

151.

A. Constitutes legal conclusions of the pleader to which no response is necessary.

B. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

C. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

D. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

E. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

F. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

G. Admit.

H. Admit.

I. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

J. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

K. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

152. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.

153. Constitutes legal conclusions of the pleader to which no response is necessary.

154. Defendant repeats and realleges each and every answer contained in the previous paragraphs.

155. Constitutes legal conclusions of the pleader to which no response is necessary.

- 156. Constitutes legal conclusions of the pleader to which no response is necessary.
- 157. Deny.
- 158. Constitutes legal conclusions of the pleader to which no response is necessary.
- 159. Deny.
- 160. Deny.
- 161. Deny.
- 162. Deny.
- 163. Deny.
- 164. Plaintiff opinion that requires no response.
- 165. Deny.
- 166. Deny. Plaintiff opinion that requires no response.
- 167. Deny.
- 168. Deny.
- 169. Deny.
- 170. Deny.
- 171. Deny.

172. Defendant repeats and realleges each and every answer contained in the previous paragraphs.
173. Constitutes legal conclusions of the pleader to which no response is necessary.
174. Constitutes legal conclusions of the pleader to which no response is necessary.
175. Constitutes legal conclusions of the pleader to which no response is necessary.
176. Deny.
177. Deny.
178. Defendant does not possess the knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations.
179. Deny.
180. Deny.
181. Deny.

AS FOR THE FIRST AFFIRMATIVE DEFENSE

182. Repeat and reallege each and every allegation contained in paragraphs 1 through 181 above as though set forth in full herein.
183. Plaintiff fails to state a cause of action for which relief may be granted, and any claim is mitigated and avoided.

AS FOR A SECOND AFFIRMATIVE DEFENSE

184. Repeat and reallege each and every allegation contained in paragraphs 1 through 183 above as though set forth in full herein.

185. Plaintiff has failed to state a claim for actual damages in accordance with 15 U.S.C. §1692k.

AS FOR A THIRD AFFIRMATIVE DEFENSE

186. Repeat and reallege each and every allegation contained in paragraphs 1 through 185 above as though set forth in full herein.
187. Plaintiff failed to mitigate damages, if any.

AS FOR A FORTH AFFIRMATIVE DEFENSE

188. Repeat and reallege each and every allegation contained in paragraphs 1 through 187 above as though set forth in full herein.
189. If there are FDCPA violations as alleged by the Plaintiff, S&L's actions were non-intentional and a bona fide error, inter alia, for purposes of 15 U.S.C. § 1692k (b) (c).

AS FOR A FIFTH AFFIRMATIVE DEFENSE

190. Repeat and reallege each and every allegation contained in paragraphs 1 through 189 above as though set forth in full herein.
191. Defendants acted reasonably and in good faith with respect to Plaintiff at all material times based upon all relevant facts and circumstances known by Defendant at the times it acted.

AS FOR A SIXTH AFFIRMATIVE DEFENSE

192. Repeat and reallege each and every allegation contained in paragraphs 1 through 191 above as though set forth in full herein.
193. The herein action was brought in bad faith and for the purposes of harassment.

AS FOR A SEVENTH AFFIRMATIVE DEFENSE

194. Repeat and reallege each and every allegation contained in paragraphs 1 through 193 above as though set forth in full herein.
195. Defendant reserves the right to assert any other additional defenses which may become known or available to it during the pendency of this action.

AS FOR A EIGHT AFFIRMATIVE DEFENSE

196. Repeat and reallege each and every allegation contained in paragraphs 1 through 195 above as though set forth in full herein.
197. The FDCPA does not apply to consumers who are represented by attorneys.

WHEREFORE, Defendant prays that this Court dismisses the Plaintiff's Complaint in its entirety as Plaintiff's action was brought in bad faith, with the intention to harass Defendants. As such, Defendants respectfully requests that the Court Award Defendant costs and attorney fees pursuant to 15 U.S.C. § 1692k (3).

Dated: January 13, 2017
Uniondale, New York

/s/: Amanda J. Moreno
Amanda J. Moreno, Esq.